

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**RICKEY NELSON SWIFT,
Plaintiff,**

v.

Case No. 08-C-590

**COURT COMMISSIONER BARRY SLAGLE,
Defendant.**

ORDER

Plaintiff, Rickey Nelson Swift, who is incarcerated at Dodge Correctional Institution, filed this pro se civil rights complaint under 42 U.S.C. § 1983, alleging that Milwaukee Court Commissioner Barry Slagle issued an “illegal no-knock search warrant.” Finding that plaintiff lacked standing to seek injunctive relief, and that his claim for damages was barred by judicial immunity, I dismissed this case by order of September 17, 2008. On October 6, 2008, plaintiff filed a motion to appoint counsel and a second motion to proceed in forma pauperis. Both motions are likely moot as this case was previously dismissed. Moreover, even if I liberally construe plaintiff’s second motion to proceed in forma pauperis as a motion seeking reconsideration of the September 17, 2008 order, he has presented no new facts or legal arguments that cause me to conclude that my original decision was in error.

IT IS THEREFORE ORDERED that plaintiff’s second motion for leave to proceed in forma pauperis (Docket # 9) is **DENIED**.

IT IS FURTHER ORDERED that plaintiff’s motion to appoint counsel (Docket # 11) is **DENIED**.

IT IS FURTHER ORDERED that copies of this order be sent to the warden of the institution where the inmate is confined and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707.

I FURTHER CERTIFY that any appeal from this matter would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3) unless the plaintiff offers bonafide arguments supporting his appeal.

Dated at Milwaukee, Wisconsin, this 17 day of October, 2008.

/s _____
LYNN ADELMAN
District Judge